

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

CIF LICENSING, LLC, d/b/a)
GE LICENSING,)
)
 Plaintiff,)
)
v.) C.A. No. 07-170-JJF
)
AGERE SYSTEMS INC.,)
)
 Defendant.)

STIPULATION

WHEREAS, Agere Systems Inc. ("Agere") seeks to amend its Answer (D.I. 9) to add the affirmative defense of patent exhaustion;

WHEREAS, Agere's position is that Agere is entitled to amend its Answer as of right pursuant to Federal Rule of Civil Procedure 15(a)(2) where CIF consents to such amendment in writing; and

WHEREAS, in return for such consent, CIF Licensing, LLC ("CIF") seeks to have Agere promptly respond to certain discovery requests related to this new affirmative defense.

NOW, THEREFORE, the parties hereby stipulate and agree as follows:

1. Subject to paragraph 2 below, CIF hereby grants its written consent, pursuant to Federal Rule of Civil Procedure 15(a)(2), to Agere's Amended Answer, to be filed forthwith.

2. By January 31, 2008, Agere will answer the following Interrogatory and respond to the following Request for Production by producing all responsive documents, subject

for good cause shown to a right to timely supplement pursuant to Federal Rule of Civil Procedure 26(e):

Interrogatory No. 43: Identify in detail all facts that support Agere's defense of "patent exhaustion" and identify any documents that Agere claims support that defense and, to the extent those documents constitute license or sale agreements, the portions of such documents that support this defense.

Request For Production No. 45: All documents, including without limitation e-mails and other communications, referring, relating to or supporting Agere's affirmative defense of "patent exhaustion."

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